

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

VICTORIA ANN RODRIGUEZ, ERNIE
STEVE HERNANDEZ, and SALLIE
MARIE HERNANDEZ as Beneficiaries of
the Estate of Ernest John Hernandez,

Plaintiffs,

v.

PHH MORTGAGE CORPORATION;
CLEAR RECON CORP, LIBERTY
HOME EQUITY SOLUTIONS, INC.;
MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.
("MERS"); and DOES 1 through 15,
inclusive

Defendants.

No. 1:22-cv-00619-AWI-HBK

NOTICE OF VOLUNTARY DISMISSAL
WITH PREJUDICE UNDER FED. R. CIV. P.
41 (a)(1)(A)(i) AS TO CLEAR RECON
CORPORATION

(Doc. No. 16)

ORDER MOOTING MOTION TO REMAND

(Doc. No. 4)

Pending before the Court is Plaintiffs' notice of voluntary dismissal of Defendant Clear Recon Corporation filed January 9, 2023. (Doc. No. 16). Plaintiffs request to "dismiss Defendant Clear Recon Corporation ("Clear Recon") as to all claims in this action **with prejudice.**" (Doc. No. 16 at 1) (emphasis added). Federal Rule of Civil Procedure 41(a)(1)(A)(i) permits a plaintiff to "dismiss an action without a court order by filing . . . a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment." *Id.* As of the date of

1 this order, Clear Recon has not entered either an answer or a motion for summary judgment. (*See*
2 docket). Based on Plaintiff's notice, this action is terminated by operation of law without further
3 order from the Court. Fed. R. Civ. P. 41(a)(1)(A)(i). Clear Recon is the only remaining
4 defendant. (*See* Doc. Nos. 10, 15; *see also* docket). Plaintiff's voluntary dismissal of the final
5 defendant moots Plaintiff's motion to remand. (Doc. No. 4).

6 Accordingly, it is **ORDERED**:

7 1. Plaintiff's motion to remand is MOOT. (Doc. No. 4).

8 2. The Clerk of Court shall terminate all pending deadlines and CLOSE this action to
9 reflect Plaintiffs' notice of voluntary dismissal under Fed. R. Civ. P. 41(a)(1)(A)(i) of Defendant
10 Clear Recon Corporation.

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12 Dated: January 10, 2023

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14 HELENA M. BARCH-KUCHTA
15 UNITED STATES MAGISTRATE JUDGE
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